



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Nagi G. Ayad and Marc W. Kirschner

Serial No.: 10/817,204

Filed: April 2, 2004

Title: NOVEL CELL CYCLE GENES REQUIRED FOR MITOTIC ENTRY

) Examiner:

) Art Unit: 1645

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND PURSUANT TO 37 CFR § 1.26(a)

In the Response to Notice to File Missing Parts filed in the above-referenced patent application on July 23, 2004, in addition to the filing fee and late filing surcharge, authorization was given to charge extra claims fees in the amount of \$1,265.00 for 91 additional claims to Deposit Account 19-0733. Further, in the Response Applicants pointed out that an error in claim calculation was made by the USPTO in the Notice to File Missing Parts and enclosed a claim calculation sheet to show the correct calculation. Copies of the Response and the claim calculation sheet are attached herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

March 21, 2025

Date _____

Date
Laurel Hall

Laurie Hall

Under 37 C.F.R. § 1.75 (608.01(n) Dependent Claims [R-2] in the MPEP) multiple dependent claims are calculated as follows:

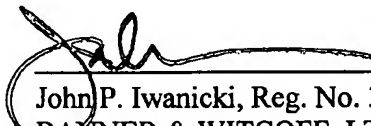
For fee calculation purposes under § 1.16, a multiple dependent claim **will be considered to be that number of claims to which direct reference is made** therein. For fee calculation purposes, also, any claim depending from a multiple dependent claim will be considered to be that number of claims to which direct reference is made in that multiple dependent claim. *(Emphasis added.)*

It should be noted that none of the multiple dependent claims depend upon other multiple dependent claims. Applicants however have received an Updated Filing Receipt indicating that incorrect fees have been charged to the Deposit Account, reflecting the previous incorrect calculation made by the USPTO on the Notice to File Missing Parts. A copy of the Updated Filing Receipt is enclosed. The total filing fees that should have been charged for this application should have been \$2,161.00, not \$2,273.00

Accordingly, Applicants respectfully request a refund in the amount of \$112.00 to be credited to Deposit Account 19-0733 referencing "Attorney Docket No. 10498-00067."

Respectfully submitted,

Dated: March 21, 2005



John P. Iwanicki, Reg. No. 34,628
BANNER & WITCOFF, LTD.
28 State Street, 28th Floor
Boston, MA 02109
(617) 720-9600



COPY

PATENT
ATTORNEY DOCKET NO. 10498-00067

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Nagi G. Ayad and Marc W. Kirschner) Examiner:
Serial No.: 10/817,204)
Filed: April 2, 2004) Art Unit: 1645
Title: NOVEL CELL CYCLE GENES REQUIRED FOR)
MITOTIC ENTRY)

Commissioner for Patents
Mail Stop Missing Parts
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Responsive to the Notice to File Missing Parts of Application under 37 CFR 1.53(b) mailed May 27, 2004 (a copy of which is enclosed), Applicants as a small entity submit herewith the following:

Payment of the basic filing fee of \$385.00;

Payment of the additional and multiple dependent claims fees of \$1,265.00 for 91 additional claims;

A Combined Declaration and Power of Attorney in compliance with 37 CFR 1.63;

Payment of the surcharge of \$65.00 for late filing of the basic filing fee and declaration; and

Return postcard.

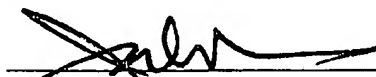
Applicants wish to advise that the calculation of additional claims fees, as stated on the enclosed copy of the Notice to File Missing Parts, is incorrect. Including the multiple dependencies of the claims, the total claim count as filed is 111 claims, or 91 additional claims. Enclosed is a claim calculation sheet showing the number of claims and their dependencies. The small entity additional dependent claim fee is \$9.00 per additional claim. Thus the correct total for additional dependent claims should be calculated as **\$1,265.00** and not \$1,377.00, as stated in the Notice. Accordingly, Applicants hereby request that the adjustment be made.

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply the instant filing fees, in the amount of \$2,161.00, and any other charges or any credits, to Deposit Account No. 19-0733. A duplicate of this paper is enclosed.

Respectfully submitted,

Dated: _____

July 23, 2004



John P. Iwanicki, Reg. No. 34,628
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Boston, MA 02109
(617) 720-9600



COPY

PATENT
ATTORNEY DOCKET NO. 10498-00067

Claim Count for US Patent Application Serial No. 10/817,204
As Filed April 2, 2004

"Novel Cell Cycle Genes Required for Mitotic Entry"
Applicants: Nagi G. Ayad and Marc W. Kirschner

Claim No.	Type	Independent Claims	Depends from Claim(s):	Claim Count
1.	Independent	1		1
2.	Dependent		1	1
3.	Independent	1		1
4.	Independent	1		1
5.	Independent	1		1
6.	Independent	1		1
7.	Dependent		1, 3, 4, 5 or 6	5
8.	Dependent		1, 3, 4, 5 or 6	5
9.	Dependent		1, 3, 4, 5 or 6	5
10.	Dependent		1, 3, 4, 5 or 6	5
11.	Dependent		10	1
12.	Dependent		11	1
13.	Dependent		12	1
14.	Independent	1		1
15.	Dependent		14	1
16.	Independent	1		1
17.	Independent	1		1
18.	Independent	1		1
19.	Dependent		14, 16, 17 or 18	4
20.	Dependent		14, 16, 17 or 18	4
21.	Dependent		14, 16, 17 or 18	4
22.	Dependent		21	1
23.	Dependent		14, 16, 17 or 18	4
24.	Dependent		1, 3, 4, 5 or 6	5
25.	Dependent		24	1
26.	Dependent		1, 3, 4, 5 or 6	5
27.	Dependent		14, 16, 17 or 18	4
28.	Dependent		27	1
29.	Dependent		28	1
30.	Dependent		14, 16, 17 or 18	4
31.	Dependent		14, 16, 17 or 18	4
32.	Dependent		31	1
33.	Dependent		14, 16, 17 or 18	4
34.	Dependent		33	1

USSN 10/817,204

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Claim No.	Type	Independent Claims	Depends from Claim(s):	Claim Count
35.	Dependent		33	1
36.	Dependent		35	1
37.	Dependent		35	1
38.	Dependent		35	1
39.	Dependent		35	1
40.	Dependent		35	1
41.	Dependent		35	1
42.	Dependent		35	1
43.	Dependent		16, 17 or 18	3
44.	Dependent		14, 16, 17 or 18	4
45.	Dependent		1, 3, 4, 5 or 6	5
46.	Dependent		45	1
47.	Dependent		14, 16, 17 or 18	4
48.	Dependent		47	1
49.	Independent	1		1
50.	Dependent		49	1
51.	Dependent		49	1
TOTALS		10		111



Dep & Ref

PATENT
ATTORNEY DOCKET NO. 10498-00067

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In re Application of:)
Nagi G. Ayad and Marc W. Kirschner) Examiner:
Serial No.: 10/817,204)
Filed: April 2, 2004) Art Unit: 1645
Title: NOVEL CELL CYCLE GENES REQUIRED FOR)
MITOTIC ENTRY)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER


In regard to the above identified application, we are transmitting herewith the attached:

1. Request for Refund Pursuant to 37 C.F.R. § 1.26(a);
2. Copy of the Response to Notice to File Missing Parts filed on July 23, 2004;
3. Copy of the Claim Calculation Sheet filed with the Response on July 23, 2004; and
4. Return postcard.

With respect to additional fees, no additional fee is required and a refund of \$112.00 is requested to be credited to Deposit Account 19-0733 referencing "Attorney Docket No. 10498-00067."

Respectfully submitted,

Dated: March 21, 2005


John P. Ivanicki, Reg. No. 34,628
BANNER & WITCOFF, LTD.
28 State Street, 28th Floor
Boston, MA 02109
(617) 720-9600

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

March 21, 2005

Date



Laurie Hall



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address COMMISSIONER FOR PATENTS
 P.O. Box 1470
 Alexandria, Virginia 22313-1470
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/817,204	04/02/2004	Nagi G. Ayad	10498-00067

22910
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 28 STATE STREET
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 BOSTON, MA 02109-9601



CONFIRMATION NO. 3911

FORMALITIES LETTER



OC000000012802105

Date Mailed: 05/27/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

07/26/2004 HLE333 00000073 190733 10817204

FILED UNDER 37 CFR 1.53(b)

01 FC:2001 345.00 DA
 02 FC:2201 301.00 DA
 03 FC:2202 819.00 DA
 04 FC:2203 145.00 DA
 05 FC:2051 65.00 DA

Filing Date Granted

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Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 385 to complete the basic filing fee for a small entity.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$1823 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$2273 for a Small Entity

- \$385 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.

13/01/2005 Y61ZAW 00000004 190733 10817204

11 FC:2202 558.00 DA

• Total additional claim fee(s) for this application is \$1823

- \$301 for 7 independent claims over 3.
- \$1377 for 153 total claims over 20.
- \$145 for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Z. Arzoo
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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